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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,366	01/23/2004	Paul C. Dubuc	RIS0001-DIV.2	4446

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SHAW PITTMAN LLP  
1650 TYSONS BOULEVARD  
MCLEAN, VA 22102

EXAMINER
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BRYANT, DAVID P

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,366

Applicant(s)

DUBUC, PAUL C.

Examiner

David P. Bryant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 46,47,51 and 53-67 is/are pending in the application.  
 4a) Of the above claim(s) 66 and 67 is/are withdrawn from consideration.  
 5) ☒ Claim(s) 56-65 is/are allowed.  
 6) ☒ Claim(s) 46,51 and 53 is/are rejected.  
 7) ☒ Claim(s) 47,54 and 55 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Claims 66 and 67 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 17, 2005.

### *Terminal Disclaimer*

The terminal disclaimer filed on August 22, 2005, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,325,435 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 46 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Moehlenpah (U.S. Patent No. 3,866,530).**

Claim 46: Moehlenpah teaches a solid surface material fabrication station for fabricating a solid surface material (see Figure 2; the truss T to be fabricated is made of wood, which is considered

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“a solid surface material”), the fabrication station comprising:

a support wall 31 (at the far right of Figure 2);

a plurality of spaced-apart supports 13 that extend from the support wall (see Figure 5) and define a solid surface support for supporting the solid surface material to be fabricated such that the solid surface material to be fabricated extends at least across two of the supports (note how truss T extends across the supports 13 in Figure 6) so as to define a region beneath the solid surface to be fabricated extending from the floor to the solid surface material to be fabricated (see the disclosure from column 4, line 58, to column 5, line 16; it is disclosed therein that there is a region between the floor and the truss to permit the truss to be accessed from underneath the spaced-apart supports 13 to drive nailing plates N into the bottom of the truss T) and a region above the solid surface material to be fabricated corresponding to a region where a worker's face will ordinarily be while working on the solid surface material to be fabricated (see the disclosure at column 4, lines 27-32, wherein it is disclosed that workmen manually position the wood members on the supports 13, and manually remove the finished truss T therefrom; i.e. the region above the truss corresponds to a region where a worker's face will be).

Claim 53: As shown in Figure 5, the spaced-apart supports 13 extend from the support wall 31 on both sides thereof.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moehlenpah (U.S. Patent No. 3,866,530).**

Moehlenpah teaches all claimed features of the fabrication station, including a base **25** from which the support wall **31** extends (see Figures 2 and 5). However, Moehlenpah fails to teach wheels connected to the base to allow the base to roll. Instead, Moehlenpah teaches the base to be stationary, while presses **3a** and **3b** are wheeled to allow them to roll with respect to the support wall base.

One of ordinary skill in the art at the time the invention was made would have found it to be an obvious matter of choice to provide the presses of Moehlenpah as fixed and the support wall base as wheeled, as opposed to the other way around as disclosed by Moehlenpah, since either arrangement would have provided the desired relative movement between the presses and the support wall. Further, it has been held that the mere reversal or rearrangement of parts of a device is an obvious expedient to one of ordinary skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

***Allowable Subject Matter***

Claims 47, 54, and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 56-65 are allowed.

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David P. Bryant whose telephone number is 571-272-4526. The examiner can normally be reached on Monday-Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on 571-272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David P. Bryant  
Primary Examiner  
Art Unit 3726

dpb  
11/14/05